

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GIDEON C. ARRINGTON, II,

Case No. 20-CV-1298 (JRT/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

MERCY HOSPITAL,

Defendant.

In an order dated August 17, 2020, this Court ordered Plaintiff Gideon C. Arrington, II, “to either (1) provide a ‘certified copy of [his] trust fund account statement (or institutional equivalent) . . . for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official’; or (2) pay this action’s filing fee.” (Dkt. 3 at 2 (quoting 28 U.S.C. § 1915(a)(2) (imposing account-statement requirement); brackets in order).) The Court gave Arrington 21 days—that is, until September 7, 2020—to perform one of the two options, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Arrington has not provided a trust-fund-account statement or paid this action’s filing fee. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has

discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order."").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: September 24, 2020

s/ Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).